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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Guam

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 13 January 2016. Further details are contained in previous working papers posted on the United Nations website (www.un.org/en/decolonization/workingpapers.shtml).

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The Territory at a glance

Territory: Guam is a Non-Self-Governing Territory administered by the United States of America. As an unincorporated organized territory of the United States, it is administered by the Office of Insular Affairs of the United States Department of the Interior.

Geography: Guam is the southernmost and largest of the Mariana Islands in the Pacific Ocean, situated about 2,200 km south of Tokyo and 6,000 km west-south-west of Hawaii. It consists of a single island comprising two distinct geologic areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbor is one of the largest deep-water ports in the Pacific.

Land area: 540 km^2.

Exclusive economic zone: 214,059 km^2.

Population: 159,358 (2010 census).

Life expectancy at birth: 79.4 years (women: 82.1 years, men: 77.0 years (2010 estimate)).

Languages: English and Chamorro.

Ethnic composition (2010 census): 37.3 per cent Chamorro; 26.3 per cent Filipino; 12.0 per cent other Pacific islanders; 7.1 per cent white; 5.9 per cent Asian; 2.0 per cent other ethnic origin; and 9.4 per cent mixed.

Capital: Hagåtña.

Head of the territorial Government: Eddie Baza Calvo (re-elected Governor in November 2014).

Territory's delegate to the United States Congress: Madeleine Z. Bordallo (re-elected in 2014).

Main political parties: Democratic and Republican Parties.

Elections: Most recent: 2014; next: September 2016.

Legislature: Unicameral 15-member legislature. Guam has a locally elected Government, which comprises separate executive, legislative and judicial branches.

Gross domestic product per capita: $31,809 (2009 chained dollars, 2015 estimate).

Economy: Principal sources of revenue: tourism and the United States military presence.

Unemployment: 6.9 per cent (March 2015).

Monetary unit: United States dollar.

Brief history: The island was inhabited by the indigenous Chamorro people of Malayo-Polynesian descent when missionaries from Spain arrived in Guam in the late seventeenth century. The Chamorro now constitute just over one third of the population and play an active role in the political and social life of the island.

I. Constitutional, legal and political issues

1. Guam was administered by the Department of the Navy of the United States of America until 1950, when the United States Congress enacted the Organic Act of Guam, which established institutions of local government and made Guam an unincorporated territory of the United States with limited self-governing authority. Since then, the Territory has been administered by the Department of the Interior. Guam is an unincorporated territory, since not all provisions of the Constitution of the United States apply to the island. As such, Guam is a possession but not part of the United States.

2. The Constitution of the United States does not permit Guam to appoint electors of the President and Vice-President of the United States. The people of Guam elect a governor, who serves a four-year term. No person who has been elected Governor for two full successive terms shall again be eligible to hold that office until one full term has elapsed. The Governor is responsible for the general supervision and control of the executive branch and submits an annual report to the United States Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the legislature, make his or her views known to that body and veto legislation. Following the elections held in November 2014, Eddie Baza Calvo (Republican) was re-elected as Governor.

3. Fifteen senators who serve two-year terms in the unicameral legislature are also elected. The legislature may override the Governor's veto. Under the Organic Act of Guam, the United States Congress reserves the authority to annul any law enacted by the Guam legislature. In the legislative elections held in November 2014, the Democrats won nine seats and the Republicans six seats.

4. Since 1972, Guam has sent one delegate to the United States House of Representatives. The delegate, who serves a two-year term, may vote in committee and, since January 2007, on floor amendments, but not on the final approval of bills. In the elections held in November 2014, Madeleine Z. Bordallo, a Democrat, was re-elected for her seventh term as delegate to the United States Congress. She serves on two committees in the House of Representatives (armed services and natural resources).

5. The judicial system in Guam comprises local and federal components. The local judicial system consists of a superior court and a supreme court, which are led by judges appointed by the Governor and confirmed by the legislature. Local judges are subject to confirmation by voters every six years. In 2004, the judiciary of Guam was established as an independent branch of government. The law confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby effectively establishing a unified local judiciary.

6. At the federal level, a district court judge, appointed by the President of the United States and confirmed by the United States Senate, is the head of the District Court of Guam. In 1998, Congress adopted an amendment to the Organic Act of Guam, allowing the Guam legislature to elect its own Attorney General for a four-year term. The Attorney General is the chief legal officer of the Government of Guam and is empowered with prosecutorial authority.

7. Periodically, there have been moves to change the island's political status, as detailed in previous working papers. In 1997, Guam Public Law 23-147 established the Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination in order to address an important but controversial issue involving the Chamorro population. The Commission, in concert with a process of registration of eligible voters organized by the Guam Election Commission, was to oversee the conduct of a vote with regard to the status preferences of the Chamorro people (independence, integration or free association), in accordance with international standards.

8. In 2000, the Guam legislature provided the Guam Election Commission with the power to set the date of the decolonization plebiscite, in which it was expected that the Territory's indigenous people would be asked to choose between statehood, independence and free association with the United States. The plebiscite would have been non-binding, but would at the same time have set the course for any future discussions of political status with the administering Power. The vote, scheduled to be conducted on 2 November 2004, was postponed because eligible voters had not been identified and registered. Universal suffrage with regard to general elections applies to United States citizens who are 18 years of age or older and are legal residents of Guam. All persons born in Guam and subject to the jurisdiction of the United States are citizens of the United States. However, according to the administering Power, the Guam Election Commission has described eligible plebiscitary voters more narrowly to include only those who can trace their roots back to those residents living on the island at the time of the passage of the Organic Act in 1950, the constitutionality of which is currently being challenged in the United States District Court for the District of Guam. The Guam Election Commission announced that there were 45,010 registered voters as at 31 December 2015 and 9,089 registered native inhabitants as at 30 September 2015. In 2011, Mr. Calvo convened the Commission on Decolonization for the first time in about a decade.

9. In October 2010, the President of the United States, Barack Obama, signed bill H.R. 3940 into law. The law clarified the authority and obligation of the Secretary of the Interior to provide federal funding for political status education in Guam to help the people of Guam to become aware of their constitutionally viable political options. In December 2015, the Government of Guam submitted a grant application to the Department of the Interior for a self-determination community education outreach programme for the purpose of a plebiscite on self-determination in 2018.

10. During the Caribbean regional seminar on decolonization, held in Managua from 19 to 21 May 2015, the representative of the Government of Guam said that there was a significant budget for education on decolonization and several proposals on the table, including public programming to air on television stations. The Guam Commission on Decolonization planned to submit a grant proposal to the Department of the Interior and requested any assistance that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples could provide in that regard. The representative also referred to the announcement that the United States Court of Appeals for the Ninth Circuit had issued an opinion in May 2015 in which it reinstated the lawsuit challenging the voting restriction for the plebiscite on the political status of Guam.

11. During the 2015 session of the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly, the representative of the territorial Government said that the Guam Commission on Decolonization was continuing its efforts to hold a plebiscite on the political status of Guam. The local government had provided funds that would be used to create materials for an educational campaign ahead of the plebiscite. The Commission was also requesting the United States Department of the Interior for additional funding required for both the educational campaign and the plebiscite. According to the representative of the territorial Government, parallel to the local government's efforts to determine the political status of Guam was a concern over the refocusing of United States military forces in the Pacific and its impact on the economy and the effort to decolonize the Territory.

12. Speaking also before the Fourth Committee during its 2015 session, the Speaker of the thirty-third Guam legislature said that the most acute threat to the legitimate exercise of the decolonization of Guam was the incessant militarization of the island by its administering Power, a new wave of which its people were currently facing. She indicated that, in an official record of decision issued in August 2015, the United States military had laid out a detailed plan for military build-up allowing for the construction of military bases, the relocation of 5,000 United States marines to Guam and other steps. Recalling a number of General Assembly resolutions on military installations in the Non-Self-Governing Territories, the Speaker said that the Assembly should pass a Guam-specific resolution to the effect that escalating United States military activities and/or installations on Guam were an unlawful impediment to self-determination. The Speaker also noted that an active lawsuit in the federal District Court of Guam that challenged the Guam law that limits the electorate in any future self-determination plebiscite to those falling within the statutory definition of a native inhabitant of Guam represented a dangerous development in the legal realm. In that regard, she called for a resolution specific to Guam to address the matter, as well as actions to clarify who constitutes the appropriate electorate in any self-determination plebiscite. The Speaker also called for a Guam-specific resolution that reminded the administering Power of the right of a Non-Self-Governing Territory to be consulted on matters affecting its ability to pursue its own economic, social and cultural development and that reiterated the right of its people to permanent sovereignty over its natural resources.

II. Military and related issues

13. As previously reported, the United States decided in 2009 that the United States Marine Corps capabilities in the Pacific region would be realigned, by 2014, through the transfer of United States military personnel from Okinawa, Japan, to Guam. The plan, which called for 9,000 marines and their family members to be relocated, was, however, modified on 26 April 2012, when it was specified in a joint United States-Japan statement that 5,000 marines would move to Guam when appropriate facilities were available to receive them. The move would cost $8.6 billion, with Japan contributing $3.1 billion (see A/AC.109/2014/14).

14. On 30 January 2015, the Office of the Inspector General of the United States Department of Defense published the annual report of the Interagency Coordination Group of Inspectors General for Guam Realignment. It provided an update on the

progress and efforts made regarding the realignment of forces, covering the period from 1 October 2013 to 30 September 2014.

15. On 29 August 2015, the United States Department of the Navy released the record of decision for relocating forces to Guam, following the issuance on 18 July 2015 of the final supplemental environmental impact statement for Guam. The record of decision is specific to the relocation of marines and dependants and comprises the decision to construct and operate a main base (cantonment area), a family housing area, a live-fire training range complex and associated infrastructure on Guam to support the relocation of a substantially reduced number of marines and dependants.

III. Land issues

16. The question of land use and ownership encompasses two major issues: the return of unused or underutilized land held by the United States Department of Defense and the return of that land to the original Chamorro landowners. In view of the envisaged military build-up, the Department has been interested in acquiring at least an additional 2,200 acres of non-federal land. Of the 147,000 acres of land available on Guam, the Department currently possesses 40,000 acres, or 27.21 per cent of the island's land mass. Private landowners in the Territory have the right to refuse to sell any of their land for military purposes. With regard to public land, such requests would need the approval of the Guam legislature.

17. In March 2011, the Government of Guam signed the Programmatic Agreement to preserve cultural and historical properties on the island during the build-up in preparation for the transfer of marines, their dependants and support staff as early as 2016.

18. In July 2015, the United States Department of the Navy published the Guam Training Ranges Review and Analysis, in which it presented information on the development of alternatives and the potential adverse effects on historical properties of each alternative that the Department analysed as a potential location for the Marine Corps live-fire training range complex on Guam.

IV. Budget

19. The budget comprises revenues received by the Government of Guam and federal grants, with the latter generally allocated, on an ad hoc basis, to particular sectors through the Department of the Interior. The territorial Government's operating revenues fall under four classifications: General Fund, Special Funds, Federal Grant-in-Aid and Semi-Autonomous and Autonomous Agencies Operating Funds. According to federal law, all island residents, including military personnel, must pay income tax to the Guam General Fund and not to the federal Government. The Governor has the power to veto a budget bill; however, the legislature can either override the Governor's veto by a special majority or reconsider the bill.

20. On 5 September 2015, the budget act for the fiscal year ending on 30 September 2016 lapsed into law without the signature of the Governor, as the Organic Act of Guam gives the Governor 10 days to either enact, veto or let measures passed by the legislature lapse into law. Projected gross revenues for the

General Fund were $824.9 million, an amount that was approximately $40.4 million greater than the General Fund revenues identified in the appropriations act for fiscal year 2015 of $784.5 million. The total General Fund revenue amount that was available for appropriations was $665.0 million. Overall Special Funds revenues were projected at $200.7 million and the federal match was projected at $43.5 million.

V. Economy

A. General

21. The economy of Guam continues to be based on two main pillars: tourism and the military. The Territory has been endeavouring to create an environment conducive to the development of other industries, such as financial services, telecommunications and transportation. Manufactured products include textiles and garments, cement and plastics. Re-exports constitute a high proportion of the Territory's exports, which include petroleum products, iron and steel scrap, automobiles and tobacco and cigars. The main trading partners of the Territory include the United States, Japan, Germany and China.

22. In December 2015, the United States Bureau of Economic Analysis released estimates of the gross domestic product (GDP) of Guam for 2014, together with GDP and compensation estimates by industry for 2013 and the results of the first comprehensive revision of the territorial economic accounts. The estimates indicate that real GDP increased by 1.0 per cent in 2014, including private fixed investment, government construction projects and consumer spending. Exports of services grew by 4.8 per cent, reflecting strong growth in visitor arrivals from the Republic of Korea and in average spending.

B. Tourism

23. According to the Economic Outlook for Guam for Fiscal Year 2016 of the Guam Office of Finance and Budget, the number of visitors from Japan, the largest market, has been declining recently, while growth from all other major markets, including China, the Philippines and the Republic of Korea, are contributing to an increase in tourist arrival numbers. According to a joint press release of the Office of the Governor and the Guam Visitors Bureau on 16 December 2015, Guam welcomed 121,736 visitors in November 2015, a 14.7 per cent increase from the previous year.

24. The Tourism 2020 plan, developed by the Guam Visitors Bureau in cooperation with government leaders, private stakeholders and members of the community, sets a road map to guide the Territory towards a shared vision for Guam's visitor industry.

C. Transport and communications

25. The Territory's road network is just less than 1,000 miles long. Of this, 420 miles are classified as "non-public". Of the 550 miles of public roads, there are some 144 miles of primary and some secondary roads. To maintain the territorial highway system, the Government receives funding from the United States Department of Transportation and the Federal Highway Administration.

26. The Port Authority of Guam, which is a public corporation and an autonomous agency of the territorial Government, administers the commercial port facilities at Apra Harbor, which is the entry point for 95 per cent of all goods entering Guam and serves as a trans-shipment centre for Micronesia.

27. The 2030 Guam Transportation Plan, approved by the Guam legislature, became an official component of the island's Comprehensive Development Plan. The Plan, which is a long-term strategy designed to improve the Territory's transportation system, incorporates improvements to roadways and mass transportation, while accommodating pedestrians and bicycles. It also addresses other issues, such as the proposed military build-up.

28. In 2012, the Department of Public Works of the Government of Guam developed the Guam transportation improvement plan for fiscal years 2012 to 2015. It provides a list of short-term projects addressing safety issues, pavement and bridge conditions and traffic operations, in consultation with the Federal Highway Administration and with input from the public. On 12 June 2015, the Department approved an amendment to the plan reflecting changes in funding levels and the reprogramming of projects.

D. Water system, sanitation and utilities

29. According to the 2013 report of the United States Government Accountability Office entitled "Further analysis needed to identify Guam's public infrastructure requirements and costs for the Department of Defense's realignment plan", the water and wastewater treatment systems of Guam have a number of deficiencies as a result of natural disasters, poor maintenance and vandalism. Although the Guam Waterworks Authority has invested more than $158 million in improvements to its water and wastewater systems over the past 10 years, it continues to operate under an order issued by the District Court of Guam requiring various treatment and infrastructure improvements because of issues relating to compliance with the Safe Drinking Water Act and the Clean Water Act. The potable water system of Guam is currently non-compliant with the Safe Drinking Water Act. According to the Inspector General of the Department of Defense, the wastewater plants in Guam do not meet primary treatment standards and lack sufficient capacity owing to the poor condition of existing assets. The Government Accountability Office noted in its report that, in terms of supporting the current military presence in Guam, the Authority provided wastewater services to the Andersen Air Force Base (including Northwest Field), the Naval Computer and Telecommunications Station Guam and the South Finegayan navy housing area. According to representatives of the legislature of Guam and the Chair of the Consolidated Commission on Utilities, however, the Authority is operating near capacity and is unable to meet any surge in demand relating to realignment without significant infrastructure improvements.

30. The Government Accountability Office also reported that the Guam Power Authority provided all the electricity on the island for both the public and the Department of Defense. The Department is the Authority's largest customer, accounting for 22 per cent of revenue in 2012. The electric power system of Guam has experienced reliability problems that have resulted in power outages and is dependent on ageing generators approaching the end of their life expectancy. This situation recalled a report of the Inspector General of the Department of the Interior

in 2012, in which it was stated that Guam was susceptible to power blackouts and noted that about a quarter of the generation units of the Authority had been installed before 1976. The conclusion was reached that, should the Authority have to replace its entire ageing infrastructure at once, it would require a large financial investment. In October 2015, the first solar power facility on Guam was completed and integrated into the existing grid, providing around 10 per cent of the grid with renewable energy.

E. Agriculture and fisheries

31. The farming and fishing sectors are considered relatively well developed. The main types of produce are vegetables, citrus, tropical fruits and coconuts. The various divisions of the Guam Department of Agriculture deal with animal and plant industry, agricultural development, forestry and soil resources and aquatic and wildlife resources. As stated in the report of the Guam Comprehensive Economic Development Strategy, the Agricultural Board of Commissioners reviews and makes recommendations regarding zoning, pest control, the preparation of an agricultural development plan, agricultural loans and related matters.

32. In 2009, the Western Pacific Regional Fishery Management Council recommended that the United States Department of Defense and the National Marine Fisheries Service should investigate and address the issue of the impact of the continuing military build-up on local fishing communities and that a mitigation and compensation plan be developed to assist those affected, including in Guam. As part of the supplemental environmental impact statement process for the military build-up, the United States Department of the Navy consulted the United States Fish and Wildlife Service and the National Marine Fisheries Service to analyse the potential impact of the proposed actions on essential and critical habitats.

VI. Social conditions

A. Labour

33. According to the latest figures from the Guam Bureau of Labor Statistics, released on 1 December 2015, the unemployment rate in Guam in March 2015 was 6.9 per cent, a reduction of 0.8 percentage points from December 2014 and 0.5 percentage points from March 2014. In March 2015, the total number of unemployed was 4,840, which shows a decrease of 510 from March 2014.

B. Education

34. Guam has an extensive public and private education system. The public education system includes the University of Guam and Guam Community College. The Guam Department of Education is responsible for nearly 30,000 students in 41 schools. Approximately 25 private schools, including 2 business colleges, 5 high schools and a number of elementary schools, are mostly affiliated with Roman Catholic and Protestant religious denominations. The Territory receives millions of dollars in federal funding each year to support such programmes as special education, summer school, the school lunch programme and the after-school Department of Education Extended Day programme.

C. Health care

35. The Guam Memorial Hospital Authority is the only civilian in-patient medical facility that serves the public sector. The Authority has a capacity of 172 acute-care beds and 30 long-term care beds. The United States Naval Hospital (see para. 37) primarily serves the military sector. There are three community/public health centres, one located in the north, one in the south and one in central Guam. Guam has some 271 doctors and 92 medical clinics. In the general elections held in November 2014, voters approved by 56.48 per cent a proposal to permit the medical use of cannabis. It directed the Guam Department of Public Health and Social Services to regulate the use of marijuana as treatment for medical conditions or diseases specified in the proposal or designated by the Department at a later time. The Department was also directed to develop applicable rules within nine months. The proposal also removed the criminal penalties relating to marijuana when used by qualified patients pursuant to the legislation.

36. The Government Accountability Office, in its 2013 report (see para. 29 above), noted that the health system of Guam was undersized. Officials from the Guam Memorial Hospital Authority participating in the supplemental environmental impact statement acknowledged that, using national hospital standards, Guam needed some 500 acute-care beds to fully meet the island's needs; the Authority, however, provided only 162 such beds. In addition to those infrastructure challenges, officials identified a number of problems relating to staffing, including difficulty in recruiting and retaining an adequate number of health-care personnel. The United States Department of Health and Human Services has designated Guam as a medically underserved area, which means that it has too few primary care providers, a high rate of infant mortality, a high rate of poverty and/or a large population of older persons. Guam also qualifies as a health professional shortage area, which means that it experiences shortages of primary medical care, dental or mental health providers. Although military personnel and their dependants generally do not use local health facilities, the Government of Guam anticipates that any Department of Defense civilian, any migrant and any construction worker associated with the realignment will be able to use the facilities.

37. According to the World Health Organization Country Cooperation Strategy for Guam 2013-2017, the prevalence of non-communicable diseases in Guam continues to rise. As part of the military build-up, a new military hospital was built to replace the previous facility, which was constructed in 1954. It officially opened on 21 April 2014, providing 42 beds, four operating rooms, two caesarean section rooms and improved diagnostic and ancillary capabilities, including magnetic resonance imaging and computed tomography scanning suites.

38. The Guam Department of Public Health and Social Services has developed a three-year strategic plan focusing on three priorities, which will help to guide the Department in augmenting its infrastructure and capacity to achieve its mission. The three priorities are workforce development, the modernization of information technology and support systems and the improvement of the organizational structure and processes.

VII. Environment

39. The Guam Environmental Protection Agency comprises five components: the Administrative Services Division, the Environmental Monitoring and Analytical Services Division, the Environmental Planning and Review Division, the Air and Land Programs Division and the Water Programs Division. Guam continues to experience environmental problems relating to the United States occupation during the Second World War and the atomic testing conducted by the administering Power in the Marshall Islands in the 1950s. Additional details can be found in previous working papers. To date, no official reports exist on the continuing high-level radiation spill from the Fukushima Daiichi nuclear power station into the Pacific Ocean.

40. As stated in the report of the Guam Comprehensive Economic Development Strategy, the Guam Environmental Protection Agency implements various programmes that regularly monitor the status of the environment. United States Environmental Protection Agency regulations apply to Guam, but in some cases the Territory's own laws are more stringent than those of the United States. Guam is a relatively small and high-density island; its marine environment therefore constitutes a key litmus test with regard to the overall environmental impact of human activity on the land. The quality of the marine waters has generally been found to be excellent across all indicators. Soil erosion, which is associated with construction activity or natural erosion, is another area of special concern in southern Guam, given that sedimentation has resulted in the destruction of coral reefs in areas adjacent to the mouths of rivers.

41. Solid-waste landfills are another area of concern in Guam, given the limited land area. Problems are being magnified as the standard of living changes and increases in population and industrial activity bring more goods and commodities to the island. In its 2013 report (see para. 29 above), the Government Accountability Office noted that the existing landfill on Guam was environmentally compliant, had adequate capacity to meet current solid waste disposal needs and had sufficient expansion capacity to meet future needs related to realignment. According to the Government of Guam, however, the new landfill cannot be used for some types of waste, including construction and demolition waste. Consequently, meeting organic and realignment-related solid waste disposal needs will require the Government to continue to develop systems to handle waste that cannot be disposed of in the landfill and construct and open new solid waste disposal areas.

42. Some 33 per cent of the world's cyclones develop in the immediate area around Guam. In addition, according to the Global Assessment of Human-Induced Soil Degradation, the area of degraded soil in the Pacific is extensive. In Guam, major road construction on steep slopes has caused erosion, with the resulting sedimentation killing coral colonies on fringing reefs.

43. Before any marines can relocate to Guam (see para. 13 above), the Department of Defense must, pursuant to the National Environmental Policy Act of 1969, examine the environmental effects of its proposed actions. On 29 August 2015, the United States Department of the Navy released its record of decision, the final step in the supplemental environmental impact statement process, which outlined the decisions made to implement the proposed realignment actions and specified associated mitigation measures.

VIII. Relations with international organizations and partners

44. Guam has been an associate member of the Economic and Social Commission for Asia and the Pacific since 24 July 1981. The Territory is a member of the Pacific Community, the Micronesian Chief Executives Summit, the Pacific Basin Development Council, the Pacific Islands Development Programme, the Pacific Asia Travel Association and the South Pacific Regional Environment Programme. It also participates in the Pacific Islands Applied Geoscience Commission and the Pacific Community Coastal Fisheries Programme. Guam has observer status in the Alliance of Small Island States. In 2011, Guam was granted observer status in the Pacific Islands Forum.

IX. Future status of the Territory

A. Position of the territorial Government

45. Developments regarding discussions on the future status of Guam are considered in section I above.

B. Position of the administering Power

46. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs elaborated on the position of the Government of the United States. He indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue, and not one that came within the purview of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. He also noted that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and had no mandate to engage the United States in negotiations on their status. He further noted that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions in Non-Self-Governing Territories, the federal Government submitted annual updates on United States Territories to the Special Committee as a demonstration of United States cooperation as an administering Power and as a corrective to any errors in information that the Special Committee might have received from other sources.

X. Action taken by the General Assembly

47. On 9 December 2015, the General Assembly adopted without a vote resolutions 70/102 A and B on the basis of the report of the Special Committee transmitted to the Assembly (A/70/23) and its subsequent consideration by the Fourth Committee. Section VI of resolution 70/102 B concerns Guam. In that section, the Assembly:

(a) Welcomed the convening of the Guam Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination and its ongoing work on a self-determination vote, as well as its public education efforts;

(b) Stressed that the decolonization process in Guam should be compatible with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

(c) Called once again upon the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding Chamorro self-determination efforts, encouraged the administering Power and the territorial Government to enter into negotiations on the matter, and stressed the need for continued close monitoring of the overall situation in the Territory;

(d) Requested the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory, to continue to recognize and to respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam and to take all measures necessary to address the concerns of the territorial Government with regard to the question of immigration;

(e) Also requested the administering Power to assist the Territory by facilitating public outreach efforts, including through the funding of the public education campaign, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested, and welcomed the recent outreach work by the territorial Government;

(f) Further requested the administering Power to cooperate in establishing programmes for the sustainable development of the economic activities and enterprises of the Territory, noting the special role of the Chamorro people in the development of Guam.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Montserrat

Working paper prepared by the Secretariat

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The Territory at a glance

Territory: Montserrat is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Elizabeth Carriere (since August 2015)

Geography: situated in the Leeward Islands in the eastern Caribbean, 43 km south-west of Antigua and 64 km north-west of Guadeloupe. The entire island is volcanic. In July 1995, the Soufrière Hills volcano, which had been dormant for more than 400 years, erupted with devastating effects, including the destruction of the capital, causing the evacuation and relocation of about 70 per cent of the population from the southern part of the island. The effects of that eruption and subsequent lighter volcanic activity are still being felt.

Land area: 103 km²

Exclusive economic zone: 7,582 km²

Population: 5,000 (2012 estimate)

Life expectancy at birth: 74.14 years (men: 75.64 years, women: 72.57 years (2015 estimate))

Language: English

Capital: Plymouth, abandoned in 1997 following the volcanic eruption. A new urban centre is being developed at Little Bay, on the north-west coast of the island.

Head of territorial Government: Premier Donaldson Romeo (September 2014)

Main political parties: People's Democratic Movement; Movement for Change and Prosperity

Elections: most recent: September 2014; next: due in September 2019

Gross domestic product per capita: $9,500 (2013 estimate)

Economy: financial services, investments, construction

Main trading partners: Canada, Japan, Trinidad and Tobago, United States of America

Unemployment rate: 6.5 per cent (2013 estimate)

Monetary unit: East Caribbean dollar, pegged to the United States dollar (EC$ 2.70 equals $1)

Brief history: Columbus named Montserrat after a monastery near Barcelona in Spain. The first European settlers, mostly Irish, arrived in 1632. The island later became a haven for indentured Irish servants transported to the British West Indies. A major slave uprising occurred on St. Patrick's Day in 1768. In the eighteenth century, Montserrat was intermittently occupied by France, prior to its confirmation as a British Territory in 1783. It became a British Crown Colony in 1871. Following the break-up of the Federation of the West Indies in 1962, Montserrat opted for Crown Colony status rather than associated statehood.

I. Constitutional, legal and political issues

1. Under the Montserrat Constitution Order 2010, which entered into force in September 2011, Montserrat has a governor appointed by the British Crown, a Cabinet and a legislative assembly. The current Governor took office in August 2015. She is responsible for internal security (including the police), external affairs, defence, public service and the regulation of international financial services. Under the Constitution, the British Crown reserves the power, with the advice of the Privy Council of the United Kingdom of Great Britain and Northern Ireland, to make laws for the peace, order and good government of Montserrat.

2. The Cabinet consists of the Premier, three other ministers and, in an ex officio capacity, the Attorney General and the Financial Secretary. The Deputy Governor, a Montserratian appointed by the Governor, may attend meetings, but does not have the right to vote. The Cabinet is presided over by the Governor, who does not have the right to vote within the Cabinet and is responsible for the general control and direction of the Government and is collectively responsible to the legislature.

3. The Legislative Assembly consists of nine elected members and two ex officio members, the Attorney General and the Financial Secretary. Elections are normally held in Montserrat every five years on the basis of universal adult suffrage. In the most recent elections, held in September 2014, the Movement for Change and Prosperity, which had formed the previous Government, was defeated and the newly formed People's Democratic Movement, headed by Donaldson Romeo, won seven of the nine seats in the Assembly. In September 2014, Mr. Romeo became the Premier of Montserrat.

4. The law of Montserrat comprises primarily legislation enacted by the legislature of Montserrat, certain acts of Parliament of the United Kingdom extended to Montserrat, orders in council made by the British Crown in the Privy Council and English common law. Montserrat falls under the jurisdiction of the Eastern Caribbean Supreme Court (High Court and Court of Appeal). The Court of Appeal is an itinerant court established under the West Indies Associated States Supreme Court Order No. 223 of 1967, whose sittings rotate among its nine members, including Montserrat. The final court of appeal for civil and criminal matters is the Judicial Committee of the Privy Council. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

5. As previously reported, the then Premier of Montserrat, addressing the Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Quito from 30 May to 1 June 2012, stated that Montserrat was a fully internally self-governing Territory where all executive decisions were made by the local Cabinet of Ministers. He further stated that there was no public interest whatsoever in separating from the United Kingdom. The continuing relationship with the United Kingdom was one made by free choice and the people of the island did not see themselves as being a colonized people. He recommended that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples remove Montserrat from its decolonization discussions.

II. Budget

6. According to the administering Power, the public sector in Montserrat continues to be dependent on budgetary aid from the United Kingdom, which is expected to contribute 56 per cent of the recurrent budget in fiscal year 2015/16, with the remainder to be met by domestic revenue. According to the 2015/16 budget statement of the territorial Government, the 2015/16 budget amounted to EC$ 127.4 million in recurrent expenditure. In addition to the above-mentioned contribution to the recurrent budget, the United Kingdom made available approximately EC$ 20 million to support capital projects for 2015/16.

7. Individual residents are taxed on their worldwide income from all sources. Tax is also levied on the chargeable income paid by any incorporated company, building society or body of persons. While companies pay tax of 30 per cent on profits, there is no capital gains tax.

8. According to the administering Power, the Territory benefits from an allocation of approximately €16 million under the tenth European Development Fund and €18.4 million under the eleventh European Development Fund.

III. Economic conditions

A. General

9. According to official statistics, economic growth has continued to be modest, estimated at 0.82 per cent in 2014/15, compared with 0.87 per cent in 2013/14. According to the administering Power, real gross domestic product (GDP) for 2013 was EC$162.2 million. GDP growth in 2015/16 is expected to be in the region of 2 per cent. For its part, the United Kingdom continued to support the Montserrat Development Corporation in recognition of its role as a facilitator and project manager for supporting foreign and local private investment in pursuit of sustainable socioeconomic development.

B. Agriculture and fisheries

10. As a result of ongoing volcanic activity, most fertile agricultural land, pasture and fishing areas continue to be either restricted or inaccessible. In recent years, however, agricultural crop, fish and livestock production has reportedly increased.

11. In recent years, the territorial Government continued to focus on agriculture as a key area in which to build its self-reliance policy. Initiatives included employment opportunities and greater local production, notably by establishing backyard gardens and increasing the acreage devoted to cultivation. According to the administering Power, the drought in 2015 had a negative impact on crop production.

C. Financial services

12. Montserrat is a member of the Eastern Caribbean Central Bank, which acts as the central bank for the Territory and is part of the Eastern Caribbean Securities Exchange and the Caribbean Financial Action Task Force, the body that monitors

anti-money-laundering activities and works to counter the financing of terrorism in the region. There are various banking facilities, including two commercial entities (the Bank of Montserrat and the Royal Bank of Canada) and several international banks. There is also a credit union in the Territory and a building society.

13. In 2015, the territorial Government continued to enhance corporate governance of the international financial services industry, in cooperation with the Territory's Financial Services Commission, to regulate international banks, insurance companies, money service providers and cooperative societies.

14. In the communiqué adopted at the fourth meeting of the Overseas Territories Joint Ministerial Council, held in London on 1 and 2 December 2015, all overseas territories with financial services, including Montserrat, confirmed their full commitment to international cooperation in tax matters and to the fight against money-laundering, tax evasion, illicit finances and corruption. According to the administering Power, the territorial Government announced its intention to introduce a public central register of company beneficial ownership.

D. Tourism

15. The redevelopment of the tourism industry, which was the main contributor to GDP prior to the volcanic eruption in 1995, continues to be a priority for the territorial Government. As previously reported, an improved ferry service with greater capacity was launched in December 2013. The ferry makes the trip between Montserrat and Antigua in about an hour, enabling Montserrat to market itself more effectively as a day-trip destination. According to the administering Power, total visitor arrivals in 2014 numbered 10,553 (8,804 tourists and 1,749 other visitors, including those on business). According to the administering Power, efforts have been made to attract cruise ships to the island and escorted tours to the abandoned capital, Plymouth.

E. Construction

16. The physical development plan for the period 2013-2022 maps out the Government's vision for developing the northern portion of the Territory and provides a framework to help to meet the objectives set out in the sustainable development plan, addressing issues such as land availability, limited resources and infrastructure development.

F. Utilities and communication

17. A private company, Montserrat Utilities Ltd., distributes water and electricity in the Territory. According to the administering Power, the entire population enjoys access to the Territory's plentiful supply of good potable water and about 98 per cent of residents are connected to the water system. The water section of the company also has responsibility over the sewage treatment in some areas, notably Lookout and Davy Hill.

18. For its part, the territorial Government continued in 2015 to promote the development of a national energy policy, moving away from inefficient containerized high-speed diesel generators. According to the administering Power, it is expected

that sufficient geothermal energy resources will eventually be made available to meet the demand for electricity in the Territory.

19. In addition to the aforementioned enhanced ferry service, Montserrat and Antigua and Barbuda are also connected by scheduled and charter air services operated by two companies. Montserrat is a member of the Eastern Caribbean Civil Aviation Authority and of Air Safety Support International, which regulates the Territory's airspace.

20. E-mail is widely used and digital subscriber lines have been introduced. In 2015, the territorial Government continued to explore the possibility of establishing a fibre-optic link to the Territory from abroad.

IV. Social conditions

A. General

21. The volcanic crisis has had a profound effect on traditional social structures and support systems in the Territory. Many families and communities have been split up and relocated to various parts of the world. According to the administering Power, social welfare services in Montserrat continue to include monthly financial assistance, rental assistance and one-time assistance for basic items. According to the administering Power, the United Kingdom and the United Nations Children's Fund (UNICEF) continue to support the development of more integrated delivery of social services in Montserrat. In 2015, agreements with UNICEF were signed to enable a review of the Social Welfare Act and a child and gender fiscal space analysis, to improve the targeting of resources to the most vulnerable.

B. Labour

22. According to the administering Power, the working population of Montserrat comprises about 2,700 persons, approximately 71 per cent of whom are Montserratians. Labour relations are governed by the Employment Act and the Labour Code (both revised in 2012), under which the Department of Labour provides mediation and conciliation services, with the Labour Tribunal settling disputes.

23. The Labour Code, as revised in 2012, sets out minimum conditions of employment and establishes the procedures for the settlement of labour disputes, providing for equality of treatment in employment, irrespective of an employee's race, colour, sex, religious belief, ethnic origin, nationality, political opinion or affiliation, disability, family responsibility, pregnancy, marital status or age. According to the administering Power, in 2015, the Department of Labour submitted recommendations to the Attorney General for the review and update of technical regulations associated with the Labour Code and the territorial Government reconstituted the Labour Advisory Board, which provides advice on the desirability of establishing a national minimum wage. In 2015, the territorial Government continued to address the entrenched shortage of skilled labour by providing relocation incentives to Montserratians and granting work permits to non-Montserratians in order to meet the demand for professional and other skilled labour. The granting of work permits is covered under the Immigration Act 2002.

C. Education

24. Montserrat has educational infrastructure and services that provide full access to primary and secondary education. Compulsory education starts at age 5 and continues until age 16. According to the territorial Government, in 2015, two out of four of the primary schools and the only secondary school are public; 57 pupils graduated from the secondary school in 2015.

25. The Education Development Plan 2012-2020 guides the Ministry of Education in providing for early childhood, primary, secondary and post-secondary education, in addition to special needs, teacher training and education support services. There are several government day-care facilities and nursery schools and a privately owned early childhood facility. According to the administering Power, in 2015, a child safeguarding review was completed and made a number of recommendations for enhanced inter-agency coordination in order to better protect children. A child abuse protocol has been developed which, once approved, is expected to form the basis for the strengthened coordination recommended in the review.

26. The Montserrat Community College in Salem offers advanced academic courses for students between 16 and 18 years of age, in addition to nursing education and some technical skills courses. The University of the West Indies maintains an extramural department adjacent to the Community College. Postgraduate college students can study for a variety of long-distance degrees from the University.

27. Citizens from overseas territories enjoy the home student fee rate at British universities. In 2015, one student from Montserrat was awarded a Chevening scholarship to study in the United Kingdom. In addition, in accordance with the November 2013 decision of the Council of the European Union on the association of the overseas countries, the European Union provides access to, among others, horizontal European Union funds, such as those for higher education and vocational education.

D. Public health

28. The Ministry of Health is responsible for providing primary and secondary health services, environmental health services and foster care, in addition to health-related policy advice in areas such as general medical care and surgical care, diagnostic testing, eye and ear care and medication. The territorial Government offers free emergency dental services for school-age children, the elderly, pregnant women and government staff, in addition to providing highly specialized health services through arrangements for a number of specialists to visit the Territory. At the same time, arrangements are in place for emergency medical evacuation to Antigua and Barbuda and Guadeloupe.

29. The Territory's health facilities include the 30-bed Glendon Hospital in St. Johns in the north, which is able to cover all routine health issues, X-rays and minor operations, in addition to several primary care clinics. According to the administering Power, public consultations on the potential sites for the construction of new hospital facilities are ongoing, with the aim of completing the business case by August 2016.

E. Crime and public safety

30. Under a five-year strategy, the Royal Montserrat Police Service is focusing on neighbourhood and intelligence-led policing, crime reduction and prevention, and partnership in the criminal justice system. According to the administering Power, Montserrat has a very low crime rate compared with the rest of the Caribbean.

31. The United Kingdom funds a law enforcement adviser based in Miami, United States of America, who coordinates, manages and facilitates training and strategic advice on introducing new techniques and skills for the Territory's law enforcement agencies. Furthermore in 2015, the *HMS Severn* and *RFA Lyme Bay* were on patrol in the Caribbean and the North Atlantic to provide disaster relief and humanitarian assistance as needed. They were also engaged in counter-narcotics and interdiction patrols. Both ships made reconnaissance visits to the Territory to improve their coordination with local disaster management and security agencies.

F. Human rights

32. Under the Territory's Constitution, provision is made regarding the fundamental rights and freedoms of the individual. Major international and European human rights instruments have been extended to Montserrat.

33. For its part, the Territory's Human Rights Committee, established in 2005, helps to fulfil the Territory's reporting requirements under various international conventions, monitors the implementation of the conventions and advises the Government on matters relating to human rights. The Status of Children Act 2012, which entered into force in 2013, abolishes the legal distinction made between the status of children born within and outside marriage.

V. Environment and volcanic activity

34. Following the eruption of the Soufrière Hills volcano in 1995, an exclusion zone comprising roughly the southern two thirds of the island was established. Since the last major eruptive activity in February 2010, the volcano has been quiet and some relaxations in access to Zone C which is part of the exclusion zone, were made in 2014, allowing 24-hour access to some areas. Work also continued on repairs to bridges, roads and culverts that had been washed away by flooding and landslides caused by Hurricane Earl in 2010.

35. According to the administering Power, Montserrat has a clearly defined institutional framework for disaster response, which in 2013 was tested in an exercise called Operation Green Flash. A national hurricane plan, which was produced in 2013 and is revised annually, outlines the major tasks to be undertaken by the Territory's agencies, ministries or departments as part of the national emergency management system in planning for and responding to tropical weather systems.

VI. Relations with international organizations and partners

36. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. According to the administering Power, the Territory continues to maintain a bilateral dialogue with the International Monetary Fund, involving the Territory's public sector, banking, business and union representatives.

37. Montserrat is a founding member of both the Caribbean Community (CARICOM) and the Organisation of Eastern Caribbean States (OECS) and a member of the institutions associated with those organizations, including the University of the West Indies, the Caribbean Development Bank and the Eastern Caribbean Central Bank, in addition to the OECS Assembly, which was established in 2012 under the Revised Treaty of Basseterre to support the legislative work of OECS. Moreover, the Territory has observer status with the Caribbean Financial Action Task Force and is a member of the Caribbean Regional Fisheries Mechanism.

38. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it. The Territory is a partner under the above-mentioned decision of the Council of the European Union, which, according to the administrative Power, was approved, among other things, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the European Union in the wider world.

VII. Future status of the Territory

A. Position of the territorial Government

39. Information on the position of the territorial Government regarding the future status of Montserrat is set out in section I above.

B. Position of the administering Power

40. On 15 October 2015, at the 7th meeting of the Special Political and Decolonization Committee (Fourth Committee) during the seventieth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of the people of each territory to choose to remain British. The Government of the United Kingdom and its territories recognized that their relationship brought mutual benefits and responsibilities.

41. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had worked closely with its territories to further develop those partnerships. His Government had consolidated the annual meeting with the leaders of territories into a Joint Ministerial Council, with a clear mandate to review and implement the strategy and commitments set forth in the paper. His Government's fundamental responsibility and objective under

international law, including the Charter of the United Nations, was to ensure the security and good governance of the territories and their people.

42. At the fourth meeting of the Overseas Territories Joint Ministerial Council, held in London on 1 and 2 December 2015, the United Kingdom and overseas territory leaders agreed upon a communiqué setting out, among other things, the joint position of the United Kingdom and the overseas territories on self-determination. In the communiqué, the political leaders and representatives stated that leaders of the overseas territories were democratically elected by the people of the Territories and were accountable to them and that the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations, applied to the peoples of the overseas territories. They reaffirmed the importance of promoting the right of the peoples of the territories to self-determination, a collective responsibility of all parts of the Government of the United Kingdom. They committed to explore ways in which the overseas territories could maintain international support in countering hostile sovereignty claims and agreed that the fundamental structure of their constitutional relationships had been the right one — powers had been devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom retaining those powers necessary to discharge its sovereign responsibilities — while agreeing to the need to review the effectiveness of constitutional arrangements over time.

VIII. Action taken by the General Assembly

43. On 9 December 2015, the General Assembly adopted, without a vote, resolutions 70/102 A and B, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2015 (A/70/23) and on the subsequent recommendation by the Fourth Committee. Section VII of resolution B concerns Montserrat. In that section, the General Assembly:

(a) Recalled the 2011 Constitution of Montserrat and the work of the territorial Government with respect to moving forward to consolidate the gains provided for in the Constitution;

(b) Requested the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(c) Welcomed the Territory's participation in the work of the Organisation of Eastern Caribbean States and the Economic Commission for Latin America and the Caribbean;

(d) Called upon the administering Power, specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption.